

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey B. Rhoads

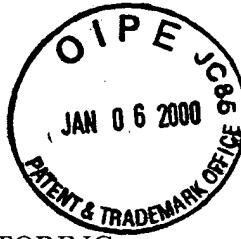
Application No.: 09/186,962

Filed: November 5, 1998

For: METHOD FOR MONITORING
INTERNET DISSEMINATION OF
IMAGE, VIDEO AND/OR AUDIO FILES

Examiner: J. Couso

Date: December 30, 1999



Art Unit 2721

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER AND THE DOCUMENTS REFERRED TO AS BEING ATTACHED OR ENCLOSED HEREWITH ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE ON December 30, 1999., AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

William Y. Conwell
Attorney for Applicant

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AMENDMENT

TO THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Responsive to the Action mailed November 12, 1999, applicant responds as follows:

REMARKS

Claims 2-20 are pending in the application. (An amendment adding claims 19 and 20 was transmitted by FAX on October 21; those claims were not addressed in the Action.)

The Action states that claims 2-18 are rejected under Section 102(e). This is presumed to be an error, and that a rejection under Section 103 was intended instead.

Applicant respectfully submits that the Action fails to establish a *prima facie* case of obviousness. As such, no substantive traverse of the rejection is presented. Rather, in the following discussion, applicant addresses some of the legal shortcomings of the rejections.

In support of the obviousness conclusion, the Action asserts that both Powell and Shear are concerned with usage and protection of digital data. However, obviousness is not established by such a showing. Rather, there must be some intrinsic or extrinsic motivation leading an artisan to combine the references to yield the combinations claimed. No such motivation is present here.